

April 2, 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

MARIO DELGADO

Defendant.  
-----X

**WAIVER OF RIGHT TO BE PRESENT  
AT CRIMINAL PROCEEDING**

19 -CR- 817 LAK ( ) ( )

**Check Proceeding that Applies**

\_\_\_\_ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the indictment.
- 2) I do not need the judge to read the indictment aloud to me.
- 3) I plead not guilty to the charges against me in the indictment.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_ Bail Hearing

I am applying or in the future may apply for release from detention, or if not detained, for modification of the conditions of my release from custody, that is, my bail conditions. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time that my attorney makes such an application. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to make applications for my release from custody or for modification of the conditions of my release even though I will not be present, and to make such applications in writing or by telephone in my attorney's discretion.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

Mario Delgado signed by counsel on behalf of Defendant  
Signature of Defendant

MARIO DELGADO

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

Daniel S. Parker  
Signature of Defense Counsel

DANIEL S. PARKER

Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge

Date:

1/25/2021

**PARKER AND CARMODY, LLP**  
ATTORNEYS AT LAW  
850 THIRD AVENUE  
14<sup>TH</sup> FLOOR  
NEW YORK, N.Y. 10022

DANIEL S. PARKER  
MICHAEL CARMODY  
CHRISTINA S. COOPER

TELEPHONE: (212) 239-9777  
FACSIMILE: (212) 239-9175  
DanielParker@aol.com

January 23, 2021

**By ECF**

Hon. Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: United States v. Mario Delgado**  
**19 Cr 817 (LAK)**

Dear Judge Kaplan:

I hope you and your staff are well.

I write on behalf of Mario Delgado in advance of the court conference scheduled for on or about February 4, 2021. I have consulted with the Defendant regarding his right to be present at all conferences, including the conference scheduled for the first week of February 2021. I have discussed with Defendant the current public health emergency created by the COVID-19 pandemic and the restrictions to courthouse access that have been implemented as a result. I have obtained Defendant's consent to willingly and voluntarily give up his right to be present at conferences for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. Mr. Delgado consents to appearing by telephone and/or video on or about February 4, 2021. He has authorized me to sign his name to the attached consent form.

Thank you for your immediate attention to, and consideration in, this matter.

Respectfully submitted,



Daniel S. Parker  
Parker and Carmody, LLP  
850 Third Ave., 14<sup>th</sup> Floor  
New York, NY 10022  
Tel. 917-670-7622

Encl.